

Rejection Under 35 U.S.C. § 103

Applicant has cancelled claims 12, 14 and 15, and rewritten independent claim 14 as new claim 16. Exhibit 1 is marked to show the changes between the now-cancelled claim 14 and currently pending new independent claim 16.

Claims 12, 14 and 15 are rejected as unpatentable over U.S. Patent No. 4,993,093 to Goldwitz ("Goldwitz"). Goldwitz discloses a utility knife with a slot located on the top surface of the knife, wherein the slot retains a measuring tape tab that may be extended laterally from the longitudinal axis of the knife.

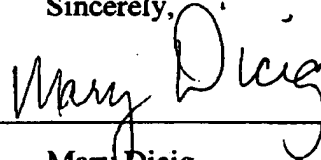
A knife such as the one described by Goldwitz is discussed in the Background section of Applicant's Specification, specifically in the second half of the first paragraph of page 3. This invention suffers from the drawback of retaining the measuring tape at an angle with respect to the user, making the measuring tape difficult to see. In addition, because the measure is not retained in a manner that is parallel and very close to the surface to be cut (which is a key feature of the angled hooks of Applicant's invention), the user must account for some inaccuracy in measurements.

In contrast, the present invention overcomes these drawbacks by providing angled hooks with sides that are parallel to the angled blade end of the housing. In such a configuration, when the blade is inserted into material to be cut, a measuring tape extending from the hooks will be held in a close and substantially parallel orientation to the surface to be cut, thus minimizing in accuracies and providing a full view of the measuring tape.

Goldwitz does not teach or disclose angled hooks with sides that are parallel to an angled front blade end as claimed in new claim 16, and it is this feature that provides the advantages of the present invention. Accordingly, Applicant respectfully submits that Goldwitz does not render claim 16 obvious.

Reconsideration of new claims 16 and 17 is respectfully requested. The Examiner is invited to contact the undersigned attorney if that would be helpful to the allowance of this case.

Sincerely,



Mary Dicig
Reg. No. 40,589
(773) 772-4041
mdicig@earthlink.net

Note: Please send official correspondence to the inventor, who is listed as the filing correspondent in this Application.

Exhibit One~~14.~~ 16. A utility knife comprising:

a two-part housing wherein the two parts are first and second juxtaposed halves, the housing having a top and a bottom, with each half having an angled blade end and a back end, which angled blade end and back end form a front and a back of the housing, respectively, wherein the longitudinal axis of the housing extends from the front to the back;

a blade removably engaged within the housing and extending outward from the ~~front~~ angled blade end, the blade having a cutting edge extending outward along the bottom of the housing;

first and second juxtaposed hooks in the angled blade ends of the first and second halves respectively wherein each hook forms an opening extending from the bottom of the housing toward the top, each opening being defined by a first side, a second side and an apex, wherein the openings and hooks ~~reversibly and by the sides are in directionally retain a tab from a measuring tape in a close and substantially parallel alignment to a surface to be cut, wherein the tape extends laterally from the longitudinal axis of the housing~~ the angled blade end to either the left or the right of the utility knife of the invention, where no additional parts or assembly are needed.